

REMARKS

This Amendment is responsive to the Office Action mailed on December 1, 2008. Claims 1 and 3 are amended. Claims 1, 3-5, 7, and 9-20 and 22-27 are pending.

The Examiner has objected to claims 1 and 3 due to informalities in the claim language. Claims 1 and 3 are amended to overcome the Examiner's objection, withdrawal of which is respectfully requested.

Claims 1, 3-5, 7, 9-20, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller (US 5,306,285) in view of Robinson (US 1,894,832).

Claims 23-27 are rejected as being unpatentable over Miller in view of Robinson and Kullmer (US 2002/0133186).

Applicant respectfully traverses these rejections in view of the amended claims and the following comments.

Discussion of Amended Claims

Claims 1 and 3 are amended to overcome the Examiner's formality objections, withdrawal of which is respectfully requested.

Claim 1 is also amended to specify that the holder body channel extends along the row of teeth behind the tooth bases with the tooth bases forming a wall for the holder body channel, the wall being interrupted by the channels formed between adjacent teeth (See, e.g., Applicant's specification, page 11, lines 1-6; page 12, lines 6-9, and Figure 3).

Discussion of Prior Art

Independent claim 1 is rejected as being unpatentable over Miller in view of Robinson.

Miller discloses a surgical saw blade having a cutting edge and a blade body 22. The blade body has opposing surfaces 27, 28. The cutting edge comprises a plurality of cutting teeth 25 arranged in a pair of rows. A first row of teeth 30 is aligned with the surface 27 and a second row of teeth 32 is aligned with surface 28 (Col. 2, lines 51-65). Each tooth 25 has a hollow trough 31 which has a generally concave surface 34 which opposes the flat face 29 of the tooth 25 (Col. 3, lines 14-20; Figure 4).

The Examiner apparently equates the troughs 31 of Miller with Applicant's claimed channel for carrying away cuttings of material. While the trough 31 of Miller does function to guide material cuttings away from the teeth, the trough 31 is formed on the side of the tooth 25 (i.e., the side which opposes flat tooth face 29 in Figure 4 of Miller), and not between adjacent teeth, as is Applicant's claimed channel.

The Examiner states that "Miller does not disclose the troughs as connected to form a holder body extending along a row of teeth" (Office Action, page 4). It is noted that Applicant's claimed channels which are formed between adjacent teeth are not connected to form the holder body channel, as apparently assumed by the Examiner. Rather, with Applicant's claimed invention, the channels formed between adjacent teeth are connected to one of the recesses that extend between lateral sides of the holder body. For example, Figure 1 shows recesses 34 extending between sides of the holder body 12. The channels formed between adjacent teeth are shown, for example, by reference numeral 60 in Figure 3. These channels formed between adjacent teeth connect to one of the recesses 34, which recess is shown in Figure 3 as recess 62 and referred to as a holder body channel. Thus, with Applicant's claimed invention, the channels 60 formed between adjacent teeth do not connect to form the holder body channel, but rather connect to a separately formed holder body channel. With Applicant's claimed invention, as the channels 60 are formed between adjacent teeth, and the holder body channel 62 is a recess extending between lateral sides of the holder body, the channels between adjacent teeth could not connect to form such a holder body channel.

Further, the Examiner has apparently equated the apertures 54 of Miller with Applicant's claimed recesses. The apertures 54 are not connected to the troughs 31 of Miller and do not extend along a row of teeth 30, 32 of Miller.

Accordingly, Miller does not disclose or remotely suggest a channel being formed between adjacent teeth via which the cuttings of material are adapted to be carried away to behind the row of teeth in relation to the tooth tip, where the channel extends behind a tooth base of the adjacent teeth and is connected with at least one of the recesses which is a holder body channel extending along the row of teeth, as claimed by Applicants.

The Examiner relies on Robinson as disclosing a trough 5 extending along a row of teeth 3 of a comb. Robinson is directed towards a comb for straightening hair which is curled and kinked, and for use in curling hair (Page 1, left hand column, first para.).

In Robinson, the teeth are cut away at the base to form grease grooves 5 on the two sides (page 1, left hand column, lines 41-42). The grooves 5 of Robinson do not function to remove cuttings of material produced during the sawing of bone. Rather, the grooves 5 are adapted to collect grease produced during hair combing.

Applicant respectfully submits that Robinson is far removed from a surgical saw blade as claimed by Applicant and as disclosed by Miller. The mere fact that both a surgical saw blade and a hair comb have teeth would not have lead one skilled in the art to combine the teachings of Miller and Robinson. The teeth of Robinson are not suitable for cutting bone and the teeth of Miller are not suitable for combing hair. There would simply have been no motivation for one of ordinary skill in the art to look to prior art directed towards hair combs when looking to improve a surgical saw blade.

Applicant's amended claim 1 further defines the holder body channel as extending along the row of teeth behind the tooth bases with the tooth bases forming a wall for the holder body channel, with the wall being interrupted by the channels formed between adjacent teeth. See, for example, Applicant's Figure 3, which shows the holder body channel 62 bounded by a portion of the tooth bases 58 which form a wall interrupted by the channels 60 between the adjacent teeth. Robinson does not disclose or remotely suggest such a holder body channel with a wall formed by the tooth bases which is interrupted by the channels formed between adjacent teeth.

In view of the foregoing, Applicant respectfully submits that, even in the event someone skilled in the art were somehow motivated to combine the disparate teachings of Miller and Robinson, one skilled in the art would not have arrived at Applicant's claimed invention.

Applicant respectfully submits that the present invention would not have been obvious to one skilled in the art in view of Miller in combination with Robinson, or any of the other prior art of record.

Further remarks regarding the asserted relationship between Applicant's claims and the prior art are not deemed necessary, in view of the amended claims and the foregoing discussion.

Applicant's silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

Withdrawal of the rejections under 35 U.S.C. § 103(a) is therefore respectfully requested.

Conclusion

The Examiner is respectfully requested to reconsider this application, allow each of the pending claims and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicants' undersigned attorney.

Respectfully submitted,



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